

PROPOSITION

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DNA SAMPLES. COLLECTION. DATABASE. FUNDING. INITIATIVE STATUTE.

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

DNA Samples. Collection. Database. Funding. Initiative Statute.

- Requires collection of DNA samples from all felons, and from adults and juveniles arrested for or charged with specified crimes, and submission to state DNA database; and, in five years, from adults arrested for or charged with any felony.
- Authorizes local law enforcement laboratories to perform analyses for state database and maintain local database.
- Specifies procedures for confidentiality and removing samples from databases.
- Imposes additional monetary penalty upon certain fines/forfeitures to fund program.
- Designates California Department of Justice to implement program, subject to available moneys: Authorizes \$7,000,000 loan from Legislature for implementation.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Net state costs to collect and analyze DNA samples of potentially several million dollars initially, increasing to nearly \$20 million annually when the costs are fully realized in 2009–10.
- Local costs to collect DNA samples likely more than fully offset by revenues, with the additional revenues available for other DNA-related activities.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

DNA Samples. Deoxyribonucleic Acid (DNA) is the genetic material contained in most living organisms, including human beings, that controls the production of substances needed for the organisms' development and life activities. The genetic information contained in DNA can be used, like a chemical fingerprint, to identify and differentiate between individuals. Using DNA evidence, law enforcement agencies and district attorneys have been able to effectively identify, arrest, and convict criminals, as well as exonerate persons wrongly accused or convicted of a crime.

Under current law, any person convicted of a serious felony offense is required to provide to law enforcement a blood sample from which DNA is obtained. The samples are collected by the California Department of Corrections (CDC), the Department of the Youth Authority (Youth Authority), and local jails, and then

submitted to the California Department of Justice (DOJ). The DOJ laboratory analyzes the samples and stores the DNA profiles of convicted felons in a statewide DNA databank. The DNA profiles are also submitted by DOJ to the Combined DNA Index System, a national repository maintained by the Federal Bureau of Investigation. The information in the DNA databank is compared to evidence collected from crime scenes for possible matches.

Court Fines. Persons convicted of certain crimes, including violations of traffic laws, may be ordered by the court to pay a fine. The total fine typically consists of a "base fine" which goes entirely to local government and a "penalty assessment" which is shared by the state and local governments. The latter is often referred to as a "criminal penalty." The state and local governments use the revenue to support a variety of programs and activities.